

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

RICHARD T. BROWN,
Defendant-Appellant.

No. CR03-5426 RBL

ORDER DENYING
RE-SENTENCING

This case comes before the Court for consideration of re-sentencing pursuant to the remand of the Ninth Circuit Court of Appeals and *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005). The Court has reviewed the transcript of the original sentencing as well as the Memorandum Opinion of the Circuit Court in *US v. Brown*, 04-30405 (2005) and the opinion in *United States v. Ameline*. In the original sentencing of Richard T. Brown the Court noted the danger to the community posed by Mr. Brown. Despite the passionate argument of counsel, the Court concluded that Mr. Brown had not demonstrated any ability to control his addiction or his related criminal conduct which represented a scourge on the community. For that reason, the Court gave the defendant a high-end sentence of 168 months. This Court would not have sentenced the defendant differently had it known that the Sentencing Guidelines were advisory only. The sentence was reasonable under the factors outlined at 18 U.S.C. § 3553(a). The Court declines to impose any different sentence for Richard T. Brown.

IT IS SO ORDERED.

1 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record
2 and to any party appearing pro se at said party's last known address.

3 Dated this 30th day of March, 2006.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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